

California Regional Water Quality Control Board
Santa Ana Region

September 17, 2004

ITEM: 16

SUBJECT: Status of Efforts to Require Suspected Dischargers to Investigate
Perchlorate Pollution in the Rialto, Colton and Chino Groundwater
Subbasins

DISCUSSION:

In the Staff Report for the August 13, 2004 Board meeting, Board staff reported that, pursuant to Section 13267 of the California Water Code, the Executive Officer had issued a total of twenty-two Investigation Orders to suspected dischargers and property owners and, pursuant to Section 13304 of the California Water Code, the Board issued two Cleanup and Abatement Orders to four dischargers and property owners.

Identified below is a summary of activities that have occurred since the last Board meeting:

Pyro Spectaculars, Inc. (Pyro), Whittaker Corporation (Whittaker) and Thomas O. Peters/Thomas O. Peters Revocable Trust (Peters) - Cleanup and Abatement Order (CAO) No. R8-2004-0042

On August 13 and August 16, 2004, Whittaker and Pyro, respectively, each submitted a separate addendum to their previously approved work plans for conducting a soil investigation at their respective areas at this 5-acre property. The Assistant Executive Officer approved each addendum on September 2, 2004. Reports on the results of these soil investigations are due by November 2, 2004. Peters intends to participate financially with Pyro's work plan. The need for additional soil or groundwater investigation or cleanup will be determined following submittal of the results of these two soil investigations.

Pyro Spectaculars, Inc. (Pyro)

A separate work plan (not subject to the CAO) submitted by Pyro for the investigation of its former burn pit site (not located on the 5-acre property) was conditionally approved by the Executive Officer on April 8, 2004. In lieu of implementing the work plan, Pyro instead submitted a letter requesting that the Board identify other responsible parties to participate in the investigation of the burn pit. In letters dated June 23, 2004 and July 7, 2004, the Board's Assistant Executive Officer informed Pyro that implementation of the work plan and submittal of the investigation results was still required. In a letter dated September 2, 2004, the Board's Assistant Executive Officer directed Pyro to implement

the work plan and submit a report on the results of the investigation by November 2, 2004. Failure to implement the work plan or submit the report will result in Pyro being liable for the issuance of an administrative civil liability assessment of up to \$1,000 for each day after June 14, 2004 (the original deadline for the report) that the report was not submitted.

County of San Bernardino - CAO No. R8-2003-0013

The County of San Bernardino submitted a conceptual water supply contingency plan on July 26, 2004, in response to the July 6, 2004 letter from the Executive Officer directing the County to submit a conceptual water supply contingency plan for Rialto Well No. 3 by August 6, 2004. The Regional Board will be considering an amendment to the CAO at its September 17, 2004 meeting to require the County to provide replacement water, and the County will be soliciting public comments on its remedial action alternatives. A final report on the County's most recent phase of their groundwater investigation is due by September 13, 2004.

Goodrich Corporation

Goodrich has completed four monitoring wells at its former B.F. Goodrich facility, under the direction of US EPA. Board staff has received preliminary data and status summaries from US EPA staff during the investigation activities. Results of samples obtained from the temporary wells that were initially installed at the monitoring well locations indicate that the upgradient monitoring well was non-detect for perchlorate and TCE, and that perchlorate and TCE were detected at the three down gradient monitoring wells at concentrations as high as 290 ppb and 54 ppb, respectively. A report on the results of the ground water investigation should be available by October 2004.

Kwikset Corporation/Emhart Industries, Inc./Black & Decker (former West Coast Loading Corporation)

Pursuant to a 13267 Investigation Order, a work plan for a perchlorate investigation at the former West Coast Loading Corporation (WCLC) facility was due from Emhart Industries, Inc. on November 22, 2002. Emhart/Black & Decker submitted a Petition for Stay and for State Board Review of the 13267 Order. The State Board dismissed the Stay request on December 18, 2002. The State Board dismissed the Petition for Review on July 7, 2003.

On August 6, 2003, Emhart filed a Petition for Writ of Mandate in the State Superior Court, Riverside County, seeking an order to invalidate the Executive Officer's 13267 Investigation Order. A scheduling conference was held in Riverside Superior Court on March 25, 2004, regarding the Emhart petition. The Emhart petition, previously scheduled to be heard by Judge Tranbarger on August 27, 2004, has been rescheduled for October 1, 2004.

U.S. Department of Defense/Army Corps of Engineers (former Rialto Ammunition Back-up Storage Point – RASP)

The US ACE submitted a letter dated August 24, 2004 in response to the Executive Officer's July 29, 2004 letter providing comments on a report that the US ACE submitted in February 2004 on the operational history of the RASP. The Executive Officer's letter informed US ACE that, based on information provided to Board staff by the City of Rialto, there is a more than adequate basis for a suspicion of perchlorate discharges at the former RASP facility. Therefore, the US ACE is in violation of the Investigation Order and is still obligated to submit and implement an investigation work plan. The US ACE letter requested that the Regional Board provide the US ACE with the information submitted by the City of Rialto, and stated that based on the records currently in their possession, they stand by the conclusions in their prior report (i.e. the probability of a release of perchlorate was low). The letter also stated that since this matter was in litigation (i.e. the Rialto lawsuit), it was expected that future research, if any, would be privileged from disclosure. Staff is preparing a response to the US ACE letter.

Golden State Explosives

The Executive Officer issued a follow-up Investigation Order on July 13, 2004, requiring Golden State Explosives to submit additional corporate records by August 16, 2004. In a letter dated August 19, 2004, ETI Holding Corporation informed Board staff that ETI was in the process of reviewing documents that had been located, was segregating those documents that were responsive to the Board's request, and requested an extension of time to submit the documents. During a follow-up telephone conversation, the Board's Assistant Executive Officer stated that an extension would not be granted. ETI stated that the documents should be submitted by the following week (i.e. the end of August).

Lockheed Martin Corporation (Grand Central Rocket Facility)

On September 3, 2004, the Executive Officer issued an Investigation Order to Lockheed Martin Corporation to conduct a records investigation and submit a report describing activities that were conducted at five bunkers that were previously leased by Grand Central Rocket Company in the Rialto area in 1957 for a period of five years. Lockheed is the corporate successor to Grand Central Rocket. The lease states that the bunkers were to be used to "manufacture chemicals". Grand Central Rocket operated a solid propellant rocket manufacturing and testing facility in Redlands until about 1961, when Lockheed changed the name of the facility to Lockheed Propulsion Company. The Investigation Order requires Lockheed to submit the report by October 15, 2004.

At the September 17, 2004 Board meeting, staff will provide information on any further developments, and will continue to update the Board at future meetings on the progress of the perchlorate investigation efforts.